

# Weekly Banner.

BY RANKIN & LEVIN.

P. A. MARIE, Traveling Agent.

FRIDAY, : : Nov. 29, 1878.

At Sedalia, Mo., the colored Masons have a Royal Arch Chapter.

The Lingard troupe opened an engagement at Denison on Monday last.

In the second congressional district Culberson has been elected by a majority of 10,535 over O'Neal.

CONKLING visited Washington last week, but having the sulks like a mule, declined an invitation to visit the president.

SOME of our exchanges that are a little scarce of advertisements, are still running the Austin platform, in order to fill up.

THE Denison Herald is perhaps a little "previous," but it announces Thomas F. Bayard as its candidate for the presidency in 1880.

THE trial of the Grimes county bulldozers is still progressing at Austin. The prosecution have sent for thirteen more witnesses from Navasota.

THE Vermont legislature has passed a resolution instructing Vermont congressmen to use all means to prevent a repeal of the resumption act.

MEMPHIS is already over crowded with people seeking the places of those who died. The Ledger says the population is greater than ever before.

BUTLER, it is said, will make a speech showing that bulldozing prevailed more extensively in Massachusetts at the late election than in the south.

SHERMAN keeps his own counsel and refuses to answer any questions as to what part silver is to play in the resumption programme on the first of January next.

It is reported in Galveston, and also denied, that ex-governor E. M. Pease has been appointed collector of the port of Galveston, vice Gen. Shields.

THE Marquis of Lorne and princess Louise had a grand reception at Halifax. The marquis was at once sworn in as Governor General of the Dominion.

CONGRESS meets on Monday next, December 2d. Senator Coke left for Washington on Saturday last. The entire Texas delegation will be there on opening day.

ELECTION returns from fifty-two counties have been received. It appears from the average of these counties that the Democratic majority will not be over 65,000 votes.

HAMMAN made a noble run in Atascosa county; he got 3 votes, Roberts, 571. The greenbackers are nearly six hundred per cent below par in that section of Texas.

THE treasury department is now purchasing gold bullion with greenbacks. Purchases are now being made at Charlotte, N. C., Boise City, Iowa, and Denver, Colorado.

A COLOSSAL bronze statue of Baron von Humboldt was unveiled at Tower Grove park, St. Louis, on the 24th inst. Ten thousand people were present to witness the ceremony.

THE Houston fair closed on Saturday, financially it was not a success; there was a very slim exhibition and a very light attendance. The largest receipts on any one day was only \$568.

CAPT. HORATIO CHRISMAN, one of the pioneers of Texas, died at the residence of Thomas C. Thompson, in Burleson county, on the 21st inst., aged 82 years. Capt. Chrisman came to Texas in 1822.

THE North Texas Conference of the M. E. church south is now in session at Terrell. The body consists of 100 ministers and 55 laymen. Bishop Clemen opened the session. Rev. W. A. Shook is secretary.

## GRAND JURIES.

Although the law does not require it the grand juries of several counties in Texas have inaugurated a time honored custom in many of the states, that of making a report to the court. The usually embraced in the condition of the grand jury, and the matters of the grand jury, come under the jurisdiction of the grand jury, and also suggestions in regard to existing laws as to their wisdom they may see fit to make. The grand juries of this county have failed or neglected to make any report for a long time. It may be that they found everything to their liking and did not deem a report necessary. The present method of dealing with petty criminals is one that needs serious attention. The jails are constantly kept full of prisoners awaiting trial by the district courts which now only hold two sessions a year. It is usually the case that a man mean enough to steal is so mean that no one will go on his bond, and that when caught he becomes a burden to the honest taxpayers.

The Austin Statesman makes the following suggestion. We think the idea a good one:

"When the legislature meets it should be furnished with grand jury reports, suggesting necessary changes in existing laws and the passage of any others that would tend to lessen and prevent crime. Let the people of Texas make a determined effort to get some real substantial good out of the approaching session of the legislature."

## JONES SPEAKS.

Col. Wash Jones was tendered a serenade at his home in Bastrop. Among other speakers one Robt. A. Kerr, colored, said it was a mistaken notion that his race had voted for him as a radical or republican, or as one who represented their political ideas, but that they had done so believing him to be liberal, just and honest and that he would faithfully represent the people. The Advertiser does not state who put this speech into Kerr's head. In his campaign speeches, Jones made war on all capitalists and preached his fiat money doctrine, telling the ignorant of both races that the government had the power to "make money" and that by exercising this power money would be plenty and cheap, thus inducing the class of men whose votes he was fishing for to vote for him, with the idea that through his influence they would have easy times and be enabled to obtain plenty of money with, to say the least, very little work. Col. Jones never loses an opportunity of showing that he is not only a complete but a perfect demagogue.

Now that he has been elected to congress, we hope that he may prove a faithful and worthy representative of this, the wealthiest and most influential district in the State, but candor compels us to say that we have but little faith in him.

## THE SANTA FE ROAD.

The BANNER is receipt of a private letter from Col. Geo. H. Sweet of the Galveston Journal of Commerce, dated Galveston, Nov. 25th, '78, in which he says: "Discovering that you are laboring under a mistaken idea that the G. C. & S. F. R. R. is to stop work, I beg to assure you that nothing of the kind is contemplated for a moment. Our people intend to push right on with the work, but will need some additional legislation, and there may be a slight pause at Richmond, possibly for 2 or 4 weeks."

Col. Sweet is doing good work in his paper in behalf of this enterprise, and our people will be gratified to learn that the outlook is as cheerful as the colonel represents it.

In Bastrop county, Norton, Allen and the republican State ticket got but four votes each. Sayers received 1371 votes for lieutenant governor and Rains, the greenbacker, 1386. Hancock got 513 votes and Jones 229. It is probable that Sayers got the entire Democratic vote of the county. The republicans voted the solid greenback ticket.

## Constitutional Amendments.

NO. I.

At the request of Judge Roberts the Texas Law Journal, in its issue of November 20th, 1878, published a Joint Resolution proposing an amendment to the constitution submitted to the people. No action was taken on the joint resolution and the constitution had just been adopted by an overwhelming vote, and while the defects in the judiciary article were generally acknowledged, it was deemed inexpedient to change it until it had been fully tested by actual experience.

The views then almost unanimously entertained as to the defects of the judiciary system, have been confirmed by its actual workings. While the expense to citizens and to the State has been largely increased, the delays in judicial proceedings have increased in greater proportions. Grave constitutional questions as to the jurisdiction of the various courts have arisen, which will for years embarrass their administration. A large jurisdiction in civil cases was conferred upon the County Courts, over which judges generally presided who were unlearned in the law, and who were utterly incompetent for the decision of the grave questions presented in the numerous and important cases pending before them.

By the limitations imposed upon the right of appeal from the decisions of Justices of the Peace, whose jurisdiction extends to cases where the amount in controversy may be two hundred dollars, parties, deprived of their rights by the whim, caprice, or ignorance of the justice, have practically no remedy.

In fact, the present judiciary system is a miserable abortion, condemned everywhere by the judges, lawyers and the people. The amendment proposed by the Joint Resolution is carefully drawn, (by Judge Roberts we believe) and removes all of the objections to the present system. It ought to be adopted within the first ten days of the session, so that it can be ratified at the polls in time to allow the next legislature to make the corresponding change in the statutes required by the new constitutional provisions. We propose in future numbers to point out the new features presented by the amendment, so as to enable our readers to understand what we believe to be its merits, and to act intelligently when the question of its ratification is submitted at the ballot box. No question of equal importance has been submitted to the people for their decision. The present judiciary system is an incubus upon the prosperity of our State, defeating alike the administration of civil and criminal laws. The last legislature ought to have freed us from it. The legislature which meets in January can not hesitate about taking prompt action in reference to it.

## The Fruits of their Labor.

The Caldwell Eagle under its new management tells some wholesome truths. It says:

The greenbackers are now enjoying the fruits of their labors. They were mainly instrumental in electing Sledge, the negro candidate for floater, in Washington county. The defection in the old party, by dissatisfied ones flocking to the Greenback standard, has been the means of causing the radicals to cling together all the closer. Democracy may be a failure, and bad thing, but Democrats have always advocated a white government by white people. If the greenbackers prefer to have their party represented in the Legislature by negroes, well and good. As to us, we prefer to have white men make laws for us.

In this county we have a clear majority of white men and could have elected a white representative and also floater had the whites united. The greenbackers joined the radicals, and as the Eagle says, can now enjoy the fruits of their labor.

From and after January 1st druggists and others selling Hostetters, Plantation, and other bitters will be required to pay United States special tax as liquor dealers.

## Constitutional Amendments.

NO. II.

The 2nd, 3rd, 4th and 5th sections of the proposed constitutional amendment relates to the organization and jurisdiction of the Supreme Court.

Under the present constitution, we have the anomaly of two supreme courts, exercising co-ordinate jurisdiction, of equal authority and totally independent of each other. It is true that they have different names, and that jurisdiction over criminal matters is given to one court and denied to the other. But of the civil cases, the larger number will be decided by the court of Appeals, whose jurisdiction embraces all civil cases, originating in justices courts and in the county courts. Thus two courts of last resort, wholly independent of each other and of equal dignity, are deciding questions of evidence and the numerous questions affecting contracts and wrongs. A conflict in the decisions of the two courts is inevitable. That conflict is not so apparent to the public, because the decisions of the appellate court in civil cases are not published in the reports. But we will find, that upon facts precisely similar, the supreme court will pronounce one judgment and the court of appeals will give another and different judgment. The civil law in Texas will soon cease to be a rule of action; no man will know what his rights are; no man will know the meaning of the terms in his contract, because the rule by which he is to be governed, will depend upon the tribunals in which the litigation is conducted.

This evil never existed in Texas before the adoption of the present constitution, and is to be found in no other state in the union. By the amendment we are to return to our old system of our supreme court, composed of seven members. But to avoid another evil resulting from delay in the dispatch of business; the court is organized to sit in sections, each composed of three members and one hearing civil cases and the other deciding criminal cases. When a constitutional question is involved and in all capital felonies, the case must be heard and decided by the whole court, and any member of the court when sitting in sections, may refer any question in the case, or the whole case to all the members of the court for decision.

In four fifths of the cases appealed to the supreme court, no questions of difficulty will arise, and such cases can be as safely decided by three judges, as by the whole court. When there is a difference of opinion among the members of the court, the question or case can be referred to the whole court, thus securing the concurrence of a majority of the seven judges and establishing a rule of law. In a court so organized, there can be no conflict in its rulings, for the moment that a difference of opinion is apparent, the question will be remitted to the whole court for its decision.

Our system of courts was originally derived from England, which also gave us the common law. England during the last half century has made great progress in the science of the law. Her experience has led her to adopt a supreme court, precisely similar in organization to the one proposed by the constitutional amendments.

In the case of one Miller, charged embezzlement before the U. S. court at Indianapolis, it was brought out that the district attorney had received instructions from president Hayes to enter a nolle proes. The judge said the president had no more to do with the case than the Emperor of China and had no right whatever to interfere. The case was proceeded with.

In San Antonio they have pony races on Sunday at San Pedro springs. Boys ranging from 12 to 18 years old frequent those races and also bet money on them. This the San Antonio Express thinks, will soon make practical gamblers of the boys. They would do less harm if they went to church or went fishing on Sundays.

## Want's To Know.

The Waco Examiner twits the Galveston News upon its assertion that the defeat of Hancock is a rebuke given by the people to the convention system. In one sense, we may be permitted to remark, it was, inasmuch as the convention did not respect the will of the majority by nominating the man they wanted. The Examiner asks, did not the News have correspondents all through this district, especially N. A. T. manufacturing and misrepresenting public opinion on the interest of Hancock? Galveston and Austin cities contended that Hancock was the only man who could beat Jones, but the outcome shows that he was about the only man that Jones could beat. The Examiner says: "The News to the extent of its ability was measurably responsible for a nomination which was not the will of the people, and is not therefore this repudiation of Hancock, not so much either a repudiation of Hancock, or the convention system, as it is a repudiation of an attempt to manufacture public sentiment or an attempt to force a nomination on a free and independent convention, and is it not therefore a rebuke, for it is a rebuke of the News for its attempt to press Hancock on the convention."

BILL HILL, the negro train wrecker, when taken before Justice Zurcher, waived an examination and was put under bond of \$500. Practically, this will keep him in jail as well as though it had been \$5,000 or \$50,000, but the principle is wrong. The offense with which Hill is charged, and is guilty of, is one of the greatest enormities. The Houston Telegram referring to the matter says the justice himself should be jerked up and landed in Huntsville for twenty years.

As was to have been expected, the alleged Grimes county bulldozers, Messrs. Yarbrough, Deadrick and Pickett, who have been on trial at Austin for a week past, were all discharged on Monday—the attorney for the government stating to the Commissioner that the evidence did not justify holding them for trial. It is nothing more or less than a gross outrage, taking citizens from their homes to Austin on mere "trumped up" charges.

A RESIDENT of Chemnitz, Saxony, on the 24th of May, mailed a postal card addressed to himself, carrying a request to all postmasters to dispatch it successively and without loss of time to Alexandria, Singapore, Yokohama, San Francisco, New York and thence to Chemnitz. The instructions were carried out and the card arrived at its starting point in 117 days, having made the circuit of the globe.

THERE was trouble in the "Richmond camp" at Houston. Miss Helen Grayson wore a dress in the play that was too fine to suit Miss Richmond's taste; the consequence was a quarrel between Miss G. and the manager, Mr. Borst. She had him arrested for using abusive language. The case will be tried at Houston to-day—Wednesday. All is not lovely behind the scenes.

The Hamburg American line steamship Pomerania collided with the Welsh bark Eilnear, off Folkstone in the British Channel, during the fog on the 26th inst. The Pomerania went down in twenty minutes. One hundred and sixty persons were saved and sixty including the captain were lost.

SOME of the papers class Jones the newly elected congressman as a Democratic-greenbacker. Jones himself contends that there is no use for parties. He should properly be classed as a kind of a "what-is-he," whatever that may be. The Belton Journal calls him a "whatnot."

THE Caldwell Eagle of last week was laboring under the hallucination that Adams had been elected floater. The colored troops of this county fought nobly and Sledge was triumphantly elected—the greenbackers having voted for him in considerable numbers.

## Grimes County.

NAVASOTA, Nov. 28.

WE have had hard rains during the past two days. Track laying on the Central and Montgomery railway is progressing rapidly; they work every day and on Sunday for a change so as to have the road completed to this place by Christmas. The contractor assures us that we shall have a free ride to Plantersville on Christmas day.

The Grimes county Sunday school convention will be held here on the 11th and 12th of next month. Everybody is invited to attend.

The cotton crop has all been gathered and is now being ginned and sold.

I will bet a 5-cent cigar that Grimes county can show up the blackest sleekest and greediest commissioners of any county in Texas Who takes it?

## LITTLE "H" No. 2.

NOTWITHSTANDING the immense amount of fun poked at the Dallas republican ticket by the over-confident greenbackers, Norton actually carried more counties than Hamman.

THE newspapers have just discovered that the most absurd law ever passed by the legislature is, the one compelling passenger trains to stop five minutes at every station.

A HOUSTON paper says "Houston will have a working force in the next legislature." Washington county's force in the next legislature will be "dark" and do nothing but vote and draw its pay.

It is stated that one of Senator Voorhees' first moves upon the re-assembling of congress will be to make the trade dollar a legal tender. This will add \$20,000,000 to the circulating medium.

MR. W. P. DRAUGHON has become associated with Mr. Sim Carothers in the publication of the Giddings Lone Star. Mr. D. is an experienced printer and will doubtless make the paper interesting.

AN attempt was made in Claiborne county, Miss., to arrest Harrison Page, a negro, who assassinated the chancery clerk two years ago. Page shot four deputy sheriffs killing one and mortally wounding another. He then escaped.

DR. PIERSON a physician of Hancock county Illinois, was called from his house ostensibly to attend a sick woman. He mounted his horse, but before he had gone far he was knocked in the head with an iron bar and killed.

JUDGE D. J. BALDWIN, U. S. District Attorney, died suddenly at Houston on Monday, from an apoplectic stroke. The deceased was well known in Texas, and was one of the most popular government officials in the State.

GEN. GRIERSON has been exploring the heretofore unknown territory on the upper Rio Grande. He found a good roadway from Fort Davis southward to the Rio Grande. He also discovered hot and cold springs.

A SYSTEM of robbery has been going on for years on the Missouri Pacific railway. The latest steal was six bars of silver bullion valued at \$8000. Three of the bars were recovered and two of the thieves have been arrested at Sedalia.

THE number of contested cases to be decided by the next House will not be so large as at one time seemed likely, says the Washington Star. Contests from the southern states will be used by the republicans for political capital.

THE British army is advancing into Afghanistan and now occupies several positions without opposition. Russia it is said will intervene, she will insist upon the government of Afghanistan being maintained intact.

THE Afghanistan war is a fixed fact. The English forces under Gen. Browne, will go to Jellalabad, those under two other commanders to Kunk'aur and Condahar, where winter quarters will be established. Our readers can consult their atlases if they wish to find out the exact locations of these places.

## STATE NEWS.

—Pork is selling at five cents a pound in Bastrop county.

—The Comanche Chief has buried its political hatchet.

—Shackelford county gives Roberts 397 votes and Hamman 4.

—Milam county expects a very heavy influx of immigrants this season.

—The only excitement at Columbus last week was the advent of the circus.

—The Victoria Advocate advises farmers to sow wheat. Cotton is down to six cents.

—The corn crop in Milam county is immense this year. Farmers are now busy gathering.

—R. H. Furlow, living 16 miles south-west of Crockett, has made 70 bushels of rice to an acre.

—John Malone was stabbed and killed at Allen station by J. J. Berry. Malone was the aggressor.

—Waco's city election comes off on the 9th of December. The Democrats have full ticket in the field.

—The Houston Telegram is now engaged in heralding the virtues of the Holman Liver Pad—for pay.

—Jackson's gin on Walnut creek, Williamson county, was burned last week. Loss \$4500; insurance \$2800.

—At Rockdale the citizens have organized a company of fifty special policemen to guard the town day and night.

—The grocery store of Tyson & Terrel at Houston has been burglarized no less than five times within a short period.

—Geo. Bannerman left his wife at Sutherland Springs on Nov. 6th. She is at Luling and would like to hear from him.

—Dallas has a fashionable wedding, that of Mr. Zack Toliver and Miss Annie Rainey. The Herald writes it up in a column and a half.

—Tom Hayden and Harry Bassett, carpenters, engaged in a shooting bout at Stephenville. Hayden was shot seriously in the head and breast.

—Bill Bradley, a reputed horse thief, escaped from the Mason jail last week. The jail is but little better than a hen-coop and is locked with a pad-lock.

—The Mason News-Item has a letter from Round Mountain, reporting the discovery of a rich silver ledge on the Perdennes on Dr. Hachenbergh's ranche.

—Williamson county has levied a special tax of one-quarter of one per cent for the purpose of paying off the debt incurred in building the new courthouse.

—A Bastrop county man has a common cow that gave birth to three well developed calves last week. At last accounts this litter of calves were all alive and thriving.

—Parties from Lynn, Mass., have been prospecting at Dallas with a view to establishing a co-operative boot and shoe factory. They are well pleased with the outlook.

—Theo. Wallace, of Tarrant county, late of Paris, Ill., came to Dallas with six bales of cotton, his wife and his mother-in-law. He sold the cotton and with proceeds "lit out."

—On Saturday, December 14th, Bastrop will have a public hanging. Three colored gentlemen will be sent to glory. Timbers have been hauled and work began on the scaffold.

—A. M. Beattie, county clerk of Hidalgo county, married a Mexican lady in Reynosa, Mexico. Five Americans were present and were treated with marked hospitality.

—The prisoners, six in number confined in the Maverick county jail, sawed their way out and have all escaped to Mexico. Several of them were convicted at the last term of the district court.

—The Bellvilles are considerably "stuck up" about the proposed narrow gauge railway through Austin county. A mortgage for \$7500 a mile on it, has been filed in the county clerk's office.

—Several Giddingsites were taken in and done for by the brass jewelry man who accompanies the circus. The next circus that comes along will probably have a newer and fresher trick.

—Now that a store has been boldly robbed by highwaymen in Round Rock, a sort of a home protection association has been formed and it will be a difficult matter to catch a merchant napping again.

—The Fairfield Recorder learns that a shooting scrape occurred at Buffalo last week between Joe Harrison and two men named Lucas and a man named Knight. Harrison and one of the Lucases were mortally wounded. No cause is assigned for the tournament. Perhaps it was only for fun.

—A woman living near Denison chops down trees and cuts them up into cord wood. Her husband hauls the wood to town and sells it, and as might be supposed in a case of this kind, brings the money home.

Illinois greenback journal: Monday, November 4. "greenback men! Registered! You can not vote unless you register. Same journal, Wednesday, November 6. "You might as well have omitted to register."

—Mme De Parguet, a colored woman, a native of Hayti, is in Dallas lecturing on "Hayti and the Haytiens; their Manners and Customs." She was educated in England and is said to be a very fine speaker.

—At Dallas E. J. Garner, indicted for killing John Jones was lately released after a year's confinement in jail, was shot while setting with his family. Bill Jones, a brother of John's is supposed to have done the shooting.

—Jas Paris' livery stable, in Denison, together with 38 horses and 18 carriages were burned on Tuesday morning. The stable was wood and the flames spread so rapidly that the hands barely had time to escape.

—It is charged that gross irregularities were practiced at the Eagle Lake polls in Colorado county; among other things many minor freedmen voted. A correspondent of the Citizen suggests an investigation of these frauds.

—Morgan steamers have resumed regular trips from Indianola to Havana with fat cattle. The company supplying this trade have enough stock on hand in their pastures for a two months supply. They will be in the market again by the 1st January.

—In the suit of Shirley vs. H. & T. C. railway, at Waco, the jury rendered a verdict in favor of the plaintiff for \$101,000. It was for work done amounting to \$8500.41 and actual and exemplary damages. The railroad will carry the case to a higher court.

—At Hearne a negro barber named "Winston," attacked a white man from Milam county, on the railway track and robbed him of \$10. The man then made his way to a convict camp. A sergeant started in pursuit of the thieving nig with bloodhounds and soon overhauled him.

—A preliminary survey has established the fact that the town of Mexia can be supplied with water from springs in the neighborhood, as the springs have an elevation of 70 or 75 feet above the town. About the only thing required to give the place water works is money.

—Milam county has had a Democratic administration, the county is out of debt and jury and county scrip is at par. In Washington county the case is very different, scrip is very slow sale at 70 cents. This shows the difference between a radical and a Democratic county administration.

—Mr. Alf. Abeel while returning to Waco from a trip was encountered by a mounted robber, who invited him to stop. He reversed his loaded buggy whip and knocked the rascal from his horse, after which he gave him a sound drubbing and left him lying in the road.

BELTON Journal: "Hancock's defeat is most certainly a misfortune for the district and a sad calamity for the Democracy of the entire State. Jones may be classed as an independent Democrat or what not, but he was the special favorite of E. J. Davis, and his election may be regarded as a defeat of the Democracy."

—Bellville Beacon, 23d inst. Wild game plentiful—Culud folks below par—election is over. . . . But little cotton now remains in the fields to be gathered. . . . The Santa Fe is a thing for future generations to think of. . . . Austin county will have thousands of pounds of meat to sell. . . . The yield of corn is not so heavy as at first anticipated. . . . Base ball on Sunday. . . . The ribbon cane crop is fine. Grinding has commenced and the yield is excellent.

—August Wittman, an Austin hack driver, was found dead in a pasture in the suburbs of that city on Monday, by boys out rabbit hunting. He had been shot or stabbed. When last seen on Thursday he had \$100 and a gold watch and is supposed to have been murdered in town and hauled out. Austin is rapidly establishing a very unenviable reputation for murders and lawlessness, a reputation in fact, not at all creditable to the capital of the State, where law and order should reign supreme.

—The Marlin Ball asks: "How will the great, 'high moral idea,' labor-reform greenback party of Texas feel when six ignorant negroes loom up as its representatives in the legislature?" Down here in Washington county they seem to feel happy.